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7
8 Attorneys for Defendant:
WEN YUEH LU

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF GUAM

11 UNITED STATES OF AMERICA,

12
13 Plaintiff,

14 vs.

15 WEN YUEH LU,

16 Defendant.
17

MAGISTRATE CASE NO. 06-00031

**MOTION TO DISMISS; or
in the alternative TO SUPPRESS
EVIDENCE FOR DESTRUCTION
OF EVIDENCE**

18 **MOTION TO DISMISS; or in The Alternative**
TO SUPPRESS EVIDENCE FOR DESTRUCTION OF EVIDENCE

19 COMES NOW Defendant Wen Yueh Lu, through counsel undersigned,
20 and respectively moves the Honorable Court for an order granting the Defendant's
21 Motion to Dismiss; or, in the alternative, to suppress evidence that relates to the
22 Government's destruction of evidence. Defendant's motion is based upon the
23 memorandum and support herein, prior orders and record herein. In support of this
24 motion, Defendant relies upon the authorities filed herein below.
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28

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FILED

DISTRICT COURT OF GUAM

JAN 19 2007

MARY L.M. MORAN
CLERK OF COURT

ORIGINAL

4 **POINTS AND AUTHORITIES**

5 **BACKGROUND FACTS**

6 On September 9, 2006, Defendant Wen Yueh Lu and his vessel Marshalls 201
7 upon which he was the captain was forcibly brought into the Port of Guam pursuant to
8 the U.S. Government's investigation of illegal fishing.

9 On October 2, 2006, the Government seized and removed the Defendant Wen
10 Yueh Lu and Marshalls 201 laptop computer INMARSAT C (herein "INMARSAT
11 Computer") from the vessel Marshalls 201. See, Attorney Berman letter dated October
12 4, 2006 to U.S. Attorney, p. 1, footnote 1, Exhibit "A", attached.

13 On October 4, 2006, Defendant requested in writing that the Government provide
14 a evidence tag or receipt for the seized INMARSAT Computer. Exhibit "A".

15 Notwithstanding the written request for acknowledgment, evidenced tag or
16 receipt, U.S. Government offered no response whatsoever.

17 On October 5, 2006, the Marshalls 201 and its Captain Defendant Wen Yueh Lu
18 were formerly arrested in Guam.

19 On October 13, 2006, Defendant's counsel requested in writing that the
20 INMARSAT C computer which was seized by the Government, be promptly returned
21 to Defendant. See, Attorney Berman letter dated October 13, 2006, p. 1, ¶A, no. 3,
22 attached Exhibit "B".

23 On November 22, 2006, the Government returned the destroyed INMARSAT C
24 Computer to Defendant's counsel in Guam. See, color photographs broken INMARSAT
25 C computer, attached Exhibit "C".

26 On December 7 and 8, 2006, Defendant Lu testified under oath in Deposition to
27

4 his complaint that the Government had taken and destroyed his INMARSAT C
5 computer. See, Deposition Lu, excerpt pp. 67-72, attached Exhibit "D".

6 On December 9, 2006, Defendant Wen Yueh Lu was arrested on charges based on
7 this Magistrate Complaint.

8 On December 29, 2006, the Government provided its selected discovery in 1 DVD-
9 Rom disc.

10 On January 9, 2007, Defendant Lu requested in writing that the INMARSAT C
11 computer be restored or repaired, or otherwise Defendant would bring a Motion to
12 Dismiss the case. See, Attorney Smith letter dated January 9, 2007, p. 2, ¶C, no. 16
13 (Notice Motion to Dismiss), attached Exhibit "E".

14 Thereafter to present, the Government has provided no response to the
15 destruction of this valuable exculpatory evidence.

16
17 **LEGAL AUTHORITY**

18 The United States Supreme Court recognized that due process rights are
19 implicated when potentially exculpatory evidence has been lost or destroyed by the
20 Government. *Arizona v. Youngblood*, 448 U.S. 51, 109 S. Ct. 333, 337 (1988), *citing Lisenba*
21 *v. California*, 314 U.S. 219, 236 (1941). In *Youngblood* the Court held that in order for a
22 criminal defendant to establish a denial of the due process, he or she must show bad
23 faith on the part of the prosecution in failing to preserve such evidence and that the
24 destroyed evidence is favorable to the defense. *Id*; *California v. Trombetta*, 467 U.S. 479,
25 489 (1984); *May v. Collins*, 935 F. 2d 299, 315 (5th Cir. 1992), *citing Brady v. Maryland*, 373
26 U.S. 83, 87 (1963).

4 In *United States v. Boyd*, 961 F. 2d 434, 435-437 (3d Cir. 1992), the United States
5 Court of Appeals for the Third Circuit reviewed a similar claim where the Government
6 destroyed a defendant's positive urine test before it could be subjected to an
7 independent defense examination. Although the court indicated that the defendant's
8 argument appeared to "have some merit," it held that no bad faith existed because the
9 specimen was destroyed pursuant to the standard procedure of an independent (non
10 government) laboratory which conducted the test. *Id.* At 437.

11 It is presently unknown to the defense why exactly the subject evidence was
12 destroyed. Likewise, the defense does not know if the destruction was undertaken
13 pursuant to a standard NOAA or Coast Guard policy. It is undisputable, however, that
14 even if the destruction occurred prior to this Court's Standing Discovery Order, the
15 prosecution must have anticipated that the defense would seek to use - as well as -
16 inspect and analyze the original working laptop computer INMARSAT C.

17 After the October 4, 2006, Defendant written request that an evidence tag or
18 receipt be provided for the seized INMARSAT C computer, the Marshalls 201 and its
19 captain Defendant Wen Yueh Lu were formally arrested. This appears a retaliatory
20 motive. To further this particular motivation, after the December 7 and 8, 2006
21 deposition by Defendant Lu that asserted his complaint that the government had taken
22 and destroyed his INMARSAT C laptop computer, together with photographs of the
23 computer submitted in deposition, the Government on December 9, 2006 filed for the
24 first time a criminal charge solely against Defendant Lu and arrested Lu at the airport.
25 This is odd because the Captain Defendant Lu and his crew were all released and free
26 to go after the vessel Marshalls 201 was released on October 13, 2006 based upon the
27

4 deposit of a reasonable bond. It is respectfully submitted that bad faith can be found
5 under these circumstances of repeated retaliation.

6 The prejudice which has accrued to the Defendant as a result of the destruction
7 of the evidence is patent. The Defendant has been stripped of the ability to effectively
8 counter the erroneous tracking coordinates undertaken by the Coast Guard and NOAA.
9 Accordingly, it would be fundamentally unfair to permit the Government to go forward
10 with the charge of "Refusal to Stop" on September 9, 2006 when Defendant's evidence
11 of his precise location and track was destroyed by the Government. At the very least,
12 the Government should be precluded from utilizing the flawed and erroneous Coast
13 Guard and NOAA evidence of location and track of Defendant and Marshalls 201.

14 **CONCLUSION**

15 Based on the foregoing arguments and authorities, this Court is respectfully
16 urged to dismiss the Complaint, or to enter an Order precluding the Government from
17 offering any evidence regarding the locations and track of the Marshalls 201 and
18 Defendant Lu in September 2006, because the onboard laptop INMARSAT C Computer
19 was intentionally destroyed by the Government.

20 Dated this 19th day of January, 2007.

21 Respectfully submitted,

22 Attorneys for Petitioner/Defendant:
23 WEN YUEH LU

24 **BERMAN O'CONNOR & MANN**
25 **THE LAW OFFICES OF MARK S. SMITH**

26 By: 

27 **DANIEL BERMAN**
28 **MARK S. SMITH**

BERMAN O'CONNOR & MANN

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October 4, 2006

VIA E-MAIL, FACSIMILE & U.S. MAIL:

(671) 472-7215

Mikel W. Schwab, Esq.
Office of the United States Attorney
108 Hernan Cortes Avenue, Suite 500
Hagåtña, Guam 96910

Re: F/V Marshalls No. 201

Dear Mikel,

In response to your letter dated October 2, 2006, I believe it best to memorialize in letter form my client's previous e-mails and in addition offer some modifications. The U.S. should understand that while my client is not in a position to post a multi-million bond for the release of the F/V Marshalls No. 201 in the foreseeable future, the client does now offer to post a \$1.0 million bond to substitute for the vessel.

The officers and crew from the F/V Marshalls No. 201 are not instructed to stay or leave the vessel in order to assist in its operation and maintenance after formal arrest. Despite the absence of instruction from my client, I understand that some crew will voluntarily accept a U.S. offer for employment. The technical difficulties, maintenance and cost together with the responsibility for the vessel will be transferred to the U.S. upon formal arrest and seizure of the Marshalls No. 201. A complete inventory list of the vessel is expected and said inventory is requested to be provided to my client as soon as possible¹. My clients are prepared for the peaceful and orderly transition of the vessel to the custody of the U.S. upon receipt of formal arrest orders or related law enforcement command.

From review of your October 2, 2006, it is difficult to know if you heard what Mr. Koo personally appeared before you to explain. First, he made a personal apology to

¹ Please provide us a property receipt for your agent Capt. Unterburg's removal of the vessel's laptop computer and weather/fax computer on October 2, 2004. When the Coast Guard removed other valuable navigation equipment, they were professional and provided receipts for the seized gear.

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EXHIBIT "A"

you, the NOAA representatives and the U.S. Government. Second, he had offered to pay a \$1.04 million cash fine. This offer to pay a cash fine encompassed all eight violations asserted under the Magnuson Act at the maximum rate of \$130,000.00 per violation. Four, my client offered to pay for remedial measures in future fishing operations, a repeat of what was offered on April 13, 2006 to the U.S. Government (which has been unfortunately not accepted up until October 2006). Last, my client offered the fish catch value estimated by USG at \$500,000.00.

Mr. Koo expressed his concern that it may be improvident for the most wealthy and omnipotent nation of the world to selectively enforce the furthest extreme line of its EEZ against only my client. Mr. Koo attempted to articulate in a foreign language, his belief that the U.S. was in a state of over reaction in seeking to make a future example of my client in establishing a world record setting fine for fishing violations.

No one of my clients disagree that the U.S. is wrong to enforce their rights in their own EEZ; nor, that the Marshalls No. 201 was arrested (by a distance of 1 or 2 miles at most) inside the U.S. Government's Code of Federal Regulations - defined coordinates for the location of U.S. EEZ around Howland and Baker Islands. But, no one in the US or NOAA seems to take responsibility for the omissions and deficiencies of the only publicly available chart of the location of the U.S. EEZ boundary around Howland and Baker Islands. This is known as the 3rd Revision July 2001, Department of Ocean Affairs Map styled "Claimed and Potential Maritime Zones on the Central and South Pacific" ("DOA Chart"). This particular EEZ line is not settled by final agreement or treaty with the Kiribati Islands.

You are correct that my client denies being "fully aware of the line" and intentionally poaching within it. The only EEZ line available to my client's Captain was the DOA Chart, which is a line of approximately a 20 mile band width. The US best case coordinates for the location of the vessel and location of the U.S. EEZ line puts the vessel at no more than one to two miles inside the line. Simply look at the past 14 year history of my clients fishing industry. No other example of entry by my client's vessels into the US EEZ and taking a set of fish exists, but for this case where the US watched and waited, and declined to implement offered remedial measures that would have warned the Marshalls No. 201 of the CFR-defined coordinates and the line that connects it. The summary of all the other allegations against my clients are FAD's let loose to float in the water, and "gear out" when traveling through the U.S. EEZ.

My client is not oblivious, as you argue, to the previous instance of their payment of a \$50,000.00 fine for the Niuguini No. 103 floating FAD violation. This fine should have been a far lesser sum as a first offense. Because the US did not disclose

Letter to Mikel W. Schwab, Esq.
Re: F/V Marshalls no. 201
October 4, 2006
Page 3

NOAA's September 1989 Penalty Schedule, my then unrepresented client wished to make immediate peace and avoid any disputes with the US. Review of the then penalty Schedule should have made clear that alleged violation was equal to more than \$10,000.00.

That Niuguini No. 103 FAD like all other the FAD alleged violations, to my knowledge, were FAD's released in international waters or waters where my clients had the right to fish. Currents, winds and weather move the unfettered FADs around the waters after they are released. No court cases nor published legal opinion declares that the release of a FAD that accidentally travels through U.S. EEZ waters is the equivalent of intentional fishing, as defined by the Magnuson Act

On or about September 7, 2006, the U.S. claims that my clients committed multiple violations of U.S. fishing laws. But, over three weeks of time have passed, and the US has still failed to provide to us the evidence, coordinates, photographs and proof regarding these further fishing violations in support of broad accusations against the Koos No. 101, 107 and 108 vessels fishing in the U.S. waters. We have repeatedly asked for, but been denied, any review or access to this new proof upon which NOAA asserts that \$36 million may be owed to the US and that my client's failure to pay the multi-millions of dollars demanded in penalties is cause for forfeiture of as many as 4 purse seine vessels.

I look forward to working with you in the near future to minimize the problems with the arrest and seizure of the F/V Marshalls No. 201, its officers and crew.

Please contact me should you have any questions.

Very truly yours,



Daniel J. Berman

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October 13, 2006

VIA E-MAIL, FACSIMILE & U.S. MAIL:
(671) 472-7215

Mikel W. Schwab, Esq.
Office of the United States Attorney
108 Hernan Cortes Avenue, Suite 500
Hagåtña, Guam 96910

Re: Marshalls No. 201 Return of Instruments and Equipment

Dear Mikel:

I am writing to follow up on our discussion late October 12, 2006 with respect to the return of the instruments and navigation equipment necessary for the operation of the vessel Marshalls No. 201. Pursuant to the posted bond and order to release the vessel, I amicably request that the instruments and equipment for navigation and fishing be returned to the vessel Marshalls No. 201 as soon as possible. Please work with me to identify the most expedient means of transport and return of the below equipment for the Marshalls No. 201. These instruments and equipment may be divided into two (2) categories and include the following:

A. Necessary to Navigate And Fish.

1. Furuno GPS Navigator, GP-90, Serial No. 4400-7672, dated September 14, 2006, Tag No. 009.
2. Furuno GPS Navigator, Serial No. 4400-0450, dated September 20, 2006, Seized Property Receipt No. 30549.
3. Two lap top computers, VMS programmed for broadcast signal and communication with FFA, necessary to fishing. Dated October 2, 2006. See Letter D. Berman to M. Schwab, dated October 4, 2006, attached.

EXHIBIT " B "

4. Two color plotter memory cards, No. B5XX.0081 Class S*, No. B5XX.0081 Class G, dated September 20, 2006, Seized Property Receipt No. 30540.
5. Two color plotter memory cards, No. B7B5.0110, No. B5XX.0081, dated September 20, 2006, Seized Property Receipt No. 30541.
6. South Pacific Regional Purse Seine Log Sheet, dated September 13, 2006, Tag No. 06-028-001.
7. Claim to Potential Maritime Zones chart, Second Revision, March 1995, dated September 13, 2006, Tag No. 06-028-005.
8. Marshalls No. 201 Ship's Log Book, estimated value \$35.00. September 13, 2006. Tag No. 06-028-004.

B. Ship's Logs and Documents.

9. Marshalls No. 201 fish hold layout / log. Dated September 13, 2006. Tag No. 06-028-002.
10. Brown Engineering Log Book "NiuGini_ _ _" on the cover. Dated September 13, 2006. Tag No. 06-028-008.
11. Koo's Fishing Company Ltd. Engineering log book. Blue in color. Dated September 13, 2006. Tag No. 06-028-007.
12. Tuvalu to Palmyra Atoll. No. 2031 o.r., Nautical Chart, dated September 13, 2006. Tag No. 06-028-006.
13. Two (2) FAD, Green Notebook. Dated September 20, 2006. Tag No. 30538.
14. Koo's 106, Blue Log Book. Dated September 20, 2006. Seized Property Receipt No. 30539.
15. Green Notebook. Dated September 20, 2006. Seized Property Receipt No. 27069.

Letter to Mikel W. Schwab, Esq.
Re: F/V Marshalls No. 201
October 13, 2006
Page 3

16. Fishing Log Sheets. Dated September 20, 2006. Seized Property
Receipt No. 30542.

Please advise me at your earliest convenience regarding the means and
estimated date of return of the above Marshalls No. 201 property. I look forward to
hearing from you and working together in the near future.

Very truly yours,

A handwritten signature in black ink, appearing to read "Daniel Berman", with a stylized flourish at the end.

Daniel J. Berman

Attachments: Copies of Evidence Receipts and Tags
D. Berman Letter October 4, 2002

ons - None

you for promoting boating safety.

ing Officer: Przybyla, Thomas E.

ing Officer Signature: [Signature] Date: 9/9/06

Representative Signature: LU. WEN-YUEH

ICY ACT STATEMENT required by Public Law 93-579

ORITY: 46 U.S.C. 2302, 46 U.S.C. 4311, 46 U.S.C. 12309, 46 U.S.C. 4106, 46 U.S.C. 2, 14 U.S.C. 89.

IPAL PURPOSE(S): Document boarding officer's report, to assess civil penalty action, appropriate, to facilitate collection of any civil penalties assessed, and to give owner/operator written notice of boarding. Information will be retained on file years and will be considered in the event of future violation(s), except some

①

AG NUMBER

009

DATE (Day, Month, Year)

14 SEP 2006

his tag receipts for property * (received) * (taken) from older. It must be presented to the evidence custodian f the retaining unit to obtain release of the item listed n the matching portion of this ticket and below. By cceptance of this stub and signature on matching ortion, holder agrees to the information entered on oth portions of this ticket.

DESCRIPTION (Include condition and value)

FURUND GPS NAVIGATOR
GP-90. SER. No: 4400-7672
EST VALUE \$400.

SIGNATURE OF RECEIVER

* Strike out inapplicable word

SEIZED PROPERTY RECEIPT

NO. 156355

DATE: 15 SEP 2006

ARTICLE(S) SEIZED: 500 TONS SKIPTACK

AND ALL OTHER CATCH ON BOARD

WORTH APPROX \$450,200

AUTHORIZED OFFICER SIGNATURE

NOAA FORM 88-86 (12-78)

SEIZED PROPERTY RECEIPT

30549

(2)

DATE: 9-20-06

ARTICLE(S) SEIZED:

Evidenced GPS Navigator

4400-0450

AUTHORIZED OFFICER SIGNATURE

John Boufford

NOAA FORM 86-86 (11-89)

SEIZED PROPERTY RECEIPT

30540

NO. _____

DATE: 09-20-06

ARTICLE(S) SEIZED: Evidence Box # DD47434

(2) Color Photo Memory Cards

B5XX.D081 Check: S*

B5XX.D081 Check: G

AUTHORIZED OFFICER SIGNATURE

NOAA FORM 86-86 (11-89)

(4)

SEIZED PROPERTY RECEIPT

30541

DATE: 09-20-06

ARTICLE(S) SEIZED: Evidence Box # DD47434

(2) Color Photo Memory Cards

B7B5.D110

B5XX.D081

AUTHORIZED OFFICER SIGNATURE

John Boufford

NOAA FORM 86-86 (11-89)

(5)

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October 4, 2006

VIA E-MAIL, FACSIMILE & U.S. MAIL:

(671) 472-7215

Mikel W. Schwab, Esq.
Office of the United States Attorney
108 Hernan Cortes Avenue, Suite 500
Hagåtña, Guam 96910

(3)

Re: F/V Marshalls No. 201

Dear Mikel,

In response to your letter dated October 2, 2006, I believe it best to memorialize in letter form my client's previous e-mails and in addition offer some modifications. The U.S. should understand that while my client is not in a position to post a multi-million bond for the release of the F/V Marshalls No. 201 in the foreseeable future, the client does now offer to post a \$1.0 million bond to substitute for the vessel.

The officers and crew from the F/V Marshalls No. 201 are not instructed to stay or leave the vessel in order to assist in its operation and maintenance after formal arrest. Despite the absence of instruction from my client, I understand that some crew will voluntarily accept a U.S. offer for employment. The technical difficulties, maintenance and cost together with the responsibility for the vessel will be transferred to the U.S. upon formal arrest and seizure of the Marshalls No. 201. A complete inventory list of the vessel is expected and said inventory is requested to be provided to my client as soon as possible¹. My clients are prepared for the peaceful and orderly transition of the vessel to the custody of the U.S. upon receipt of formal arrest orders or related law enforcement command.

From review of your October 2, 2006, it is difficult to know if you heard what Mr. Koo personally appeared before you to explain. First, he made a personal apology to

¹ Please provide us a property receipt for your agent Capt. Unterburg's removal of the vessel's laptop computer and weather/fax computer on October 2, 2004. When the Coast Guard removed other valuable navigation equipment, they were professional and provided receipts for the seized gear.

(3)

E:\Jean\Ltrs\DJBSchwab.mikel 100206.wpd

TAG NUMBER 6-028-001	DATE (Day, Month, Year) 13 SEP 2006
-------------------------	--

This tag receipts for property * (received) * (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

OUTH PACIFIC REGIONAL
SE SEINE LOGSHEET

(6)

LU. WBN-YUGH

SIGNATURE OF RECEIVER

[Signature]

* Strike out inapplicable word

TAG NUMBER 6-028-003	DATE (Day, Month, Year) 13 SEP 06
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This tag receipts for property * (received) * (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

1/1 MARSHALLS 201
VALUE UNKNOWN

LU. WBN-YUGH

SIGNATURE OF RECEIVER

* Strike out inapplicable word

TAG NUMBER 06-028-0005	DATE (Day, Month, Year) 13 SEP 2006
---------------------------	--

This tag receipts for property * (received) * (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

(1) Claimed and Potential Machine Zones (MPT)

DESCRIPTION (Include condition and value)

2nd revision, March 1995

(7)

LU. WBN-YUGH

SIGNATURE OF RECEIVER

[Signature]

* Strike out inapplicable word

TAG NUMBER 06-028-0004	DATE (Day, Month, Year) 13 SEP, 2006
---------------------------	---

This tag receipts for property * (received) * (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

(8)

DESCRIPTION (Include condition and value)

F/U MARSHALLS 201 SHIP'S
LOG BOOK. EST VALUE OF
\$35

LU. WBN-YUGH

SIGNATURE OF RECEIVER

[Signature]

* Strike out inapplicable word

TAG NUMBER	DATE (Day, Month, Year)
6-028-002	13 SEP 2006

This tag receipts for property * (received) * (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

MARSHALLS 201 FISH HOLD
AYOUT/LOG

(9)

LO. WEN - YUEH

SIGNATURE OF RECEIVER

* Strike out inapplicable word

TAG NUMBER	DATE (Day, Month, Year)
06-028-008	13 SEP 2006

This tag receipts for property * (received) * (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

BROWN ENGINEERING
LOG BOOK

(10)

"MUGINI" ON
COVER

LO. WEN - YUEH

SIGNATURE OF RECEIVER

* Strike out inapplicable word

G NUMBER	DATE (Day, Month, Year)
16-028-007	13, SEP, 2006

This tag receipts for property * (received) * (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

COO'S FISHING COMPANY LIMITED
ENGINEERING LOG BOOK
BLUE IN COLOR

(11)

LO. WEN - YUEH

SIGNATURE OF RECEIVER

* Strike out inapplicable word

TAG NUMBER	DATE (Day, Month, Year)
06-028-006	13/SEP/2006

This tag receipts for property * (received) * (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

TUVALU TO PALMYRA ATOLL
#20313R

(12)

LO. WEN - YUEH

SIGNATURE OF RECEIVER

* Strike out inapplicable word

SEIZED PROPERTY RECEIPT

30538

(13)

DATE: 9/20/06

ARTICLE(S) SEIZED: (2) FAD, Green Notebook

John Bayley
AUTHORIZED OFFICER SIGNATURE

NOAA FORM 88-86 (11-89)

SEIZED PROPERTY RECEIPT

30539

(14)

NO. _____
DATE: 9/20/06ARTICLE(S) SEIZED: Koo's 106
Blue Log BookJohn Bayley
AUTHORIZED OFFICER SIGNATURE

NOAA FORM 88-86 (11-89)

SEIZED PROPERTY RECEIPT

30542

(16)

DATE: 9/20/06

ARTICLE(S) SEIZED: FISHING Log
SHEETSJohn Bayley
AUTHORIZED OFFICER SIGNATURE

NOAA FORM 88-86 (11-89)

SEIZED PROPERTY RECEIPT

27069

(15)

NO. _____
DATE: 9/20/06ARTICLE(S) SEIZED: GREEN Note
BookJohn Bayley
AUTHORIZED OFFICER SIGNATURE

NOAA FORM 88-86 (11-89)